

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3171-01
Bill No.: HB 1055
Subject: Children and Minors; Family Law; Health Care; Sovereign or Official Immunity
Type: Original
Date: January 7, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Legal Expense Fund*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

* Could exceed (\$100,000) in any given fiscal year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Division of Personnel** and the **Department of Labor and Industrial Relations** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of the Attorney General (AGO)** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of the State Courts Administrator (CTS)** assume that lawsuits filed as a result of the proposed legislation would be filed in state court, and there may be some increase in the number of cases filed. However, CTS has no way of estimating that increase at this time and do not anticipate that it would be substantial enough to require a budget increase in the courts.

Officials from the **Department of Conservation (MDC)** assume that the proposed legislation could have a fiscal impact on MDC funds because of the increased exposure to liability from lawsuits; however, the amount of impact is unknown.

Officials from the **Department of Transportation (DHT)** state that their agency has always complied with the Family and Medical Leave Act law, and, therefore, assume there will be no fiscal impact to their agency.

Oversight assumes that the fiscal impact depends on the number and amount of judgments, against the state, resulting from lawsuits that may occur with passage of this proposal. Pursuant to this proposal, claims up to the limits established in section 537.610 RSMo can be sought. Section 537.610 RSMo states that the liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident. Oversight assumes any judgments against the state will be paid out of the Legal Expense Fund and have ranged those judgments from zero to unknown. Oversight assumes that any one judgment, in a fiscal year, against the state could exceed \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
LEGAL EXPENSE FUND			
<u>Costs</u> – Judgments against the State Resulting from Potential Lawsuits*	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT ON LEGAL EXPENSE FUND*	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>

* Could Exceed (\$100,000) in any given fiscal year.

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.


DESCRIPTION

This proposal subjects the state to lawsuits for violations of the federal Family and Medical Leave Act.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of Administration – Division of Personnel
Office of the State Courts Administrator
Department of Labor and Industrial Relations
Department of Conservation
Department of Transportation

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director

January 7, 2002